

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Revision Petition filed by Sri Guguloth Vijendar & 25 others, against the Proceedings No. C5/3342/2010, dated 27.04.2011 of the District Collector, Warangal District – under section 8(1) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No. 16/1993) – Revision Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 34

Dated.21.02.2014.
Read the following.

1. Proceedings of the District Collector, Warangal District No. C5/3342/2010, dated 27.04.2011.
2. G.O.Ms.No.13, SW(CV.2) Dept., dated: 24.04.2012.
3. Revision Petition filed by Sri Guguloth Vijendar & 25 others, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District before the Govt. dated 26.05.2012.
4. Govt. Memo. No. 7271/CV.2/2012, dated: 10-07-2012.
5. From District Collector, Warangal Lr.No. Rc.C5/3342/2010, dated:16.08.2012.
6. Govt. Memo. No. 7271/CV.2/2012, dated: 20.10.2012, 21.11.2012 and 30.08.2013.
7. Written Arguments dated: 12.09.2013 filed by the counsel for the Appellants before the Government.

ORDER:

In the reference 1st read above, the District Collector, Warangal have issued orders canceling the local Scheduled Tribe Candidate Certificates obtained by Sri Guguloth Vijendar & 25 others, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District.

2. In the reference 2nd read above, the Government have issued orders by rejecting the Appeal Petition of Sri Guguloth Vijendar & 25 others, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District duly confirming the orders passed by the District Collector, Warangal.

3. In the reference 3rd read above, Sri Guguloth Vijendar, S/o Eerya, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District and (25) others of different Villages of Warangal District, herein the Review Petitioners have filed Review Petition before the Government to review the orders issued in G.O.MS No.13 SW(CV.2)Dept. dt 22.4.2013, wherein the Appeal Petition filed by them has been rejected, treating the orders of the Collector, Warangal in Proceedings No. C5/3342/2010 Dated: 27.4.2011 are in accordance with Rules, in canceling the local ST certificates' of (100) candidates including the present Review Petitioners and the same was admitted and the District Collector, Warangal was called for parawise remarks and connected records in the reference 4th read above. Sri Ajmeera Ramudu S/o Laxma; Sri V.Gopinath S/o Kishta; Kum Jatoth Radha, D/o Ramu; Jatoth Kalyani, D/o Bhimla; Sri Ajmeera Lalu S/o Teja have also filed implead Petitions. After examination of the said implead petitions Government have decided to implead them in the said Revision Petition as Respondents.

4. In the reference 5th read above, the District Collector, Warangal has furnished the parawise remarks and original connected records of Sri Guguloth Vijendar & 25 others, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District.

p.t.o

5. The said Revision Petition has been posted for hearing on 30.10.2012, 03.12.2012 and finally on 12.09.2013 and the same has been informed to the Appellants. Counsel for the Appellants were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of their community claim in the references 6th read above. The Advocate for Appellants were present and argued the case and explained their client's community status and the Appellants filed written arguments before the Appellate Authority in the reference 7th read above.

6. Government has examined the records and Proceedings of the District Collector, Warangal dated. 27.04.2011, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences and written arguments of the Counsel for the Appellants. On perusal of the record and other material papers made available, it is observed that out of (31) appellants, (07) candidates have furnished the relevant documents as required under G.O.MS No. 3, SW(TW.Edn.II) dt:10.1.2000 and hence based on the report of the Collector, Warangal, the appellate authority felt that their claim as 'Local ST Candidates' appears to be genuine. The following are the (07) candidates who have furnished copies of documents for the year 1352 Fasli i.e., 1948-49 etc. in support of their local ST status as per the G.O.MS No. 3, SW(TW.Edn.II) Dept., dt:10.1.2000

S/Sri

1. Guguloth Vijendar, S/o Eerya

Documents submitted i.e., 1352 Fasli (for the years 1948 and 49)

2. Banoth Eerulal, S/o Chandrudu

Documents submitted i.e., 1352 Fasli (for the years 1948 and 49)

3. Amgoth Suresh, S/o Anda

Documents submitted i.e., 1352 Fasli (for the years 1948 and 49)

4. Ajmeera Ramudu, S/o Laxma

Documents submitted i.e., 1352 fasli (for the year 1942) Xerox, land document for the years 1954-55 pertaining to his grand father and 1954-55 years Kasrapani.

5. Kum. Jatoth Radha, D/o Ramu

Documents submitted for the years 1948, 1961-62 and 1962-63 pertaining to their forefather's and grand father's Kasrapani.

6. Kum.Jatoth Kalyani, D/o Bhimla and

Documents submitted for the years 1948, 1961-62 and 1962-63 pertaining to their forefather's and grand father's Kasrapani.

7. Ajmeera Lalu, S/o Tejya

Documents submitted for the years 1942, 1948, 1949, 1954-55, 1958 and 1974 pertaining to his grand father and 1954-55 years Kasrapani.

7. In regard to the other Appellants, the Government have felt that the Notification i.e, G.O.MS No. 3, SW(TW.Edn.II) Dept., dt:10.1.2000 states that the Candidates, Parents should be continuous residents in the local area, since 1950 to till date. Most of the poor ST candidates though they appear to be residing in that area, they could not establish the fact, through documentary evidence because of the illiteracy and ignorance of their elders and most of them might not have own lands of cultivation and at that there was no system of Ration Cards. In the absence of those documents they could not produce any documentary evidence, perhaps, it may not be possible to get the records of more than sixty years ago, at this distance of time. This crucial aspect has not been considered by the District Authorities. Therefore there is a need to examine the remaining cases, legally.

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8. The Government, in exercise of the powers conferred under section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community certificates Act 1993 (Act No16 of 1993), and as per G.O.Ms.No. 3, SW(TW-Edn-II) Dept., dated 10.01.2000, hereby allow the Revision Petition filed by Sri Guguloth Vijendar & (6) others as mentioned in Para 6 Supra by upholding their Local ST Certificates. Hence, Proceedings of the District Collector, Warangal in canceling local ST Candidate Certificates issued by the concerned Tahsildars in respect of said (07) candidates are hereby set aside.

9. The District Collector, Warangal is requested to take further necessary action in the matter accordingly.

10. The records relevant to the (03) individuals furnished by the District Collector, Warangal vide references 5th read above along with Khasrapahani and Xerox copies of the documents submitted by the 4 other appellants are herewith enclosed. The District Collector, Warangal is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To

The District Collector, Warangal (w.e)
(With original records) (By RPAD).

Sri Guguloth Vijendar S/o Eerya,
R/o Rajupeta (V), Jangalapally Thanda,
Narsampeta (M), Warangal District.

Sri Banothu Eerulal S/o Chandru
R/o Manjanaik Thanda H/o Rajupeta (V),
Narsampet (M), Warangal District.

Sri Amgothu Suresh S/o Anda
R/o Garlagadda Thanda H/o Rajupeta (V),
Narsampet (M), Warangal District.

Sri Azmeera Ramudu S/o Laxma
R/o Chekru Thanda, Damaravancha (V),
Gudur (M), Warangal District.

Kum. Jatoth Radha D/o Ramu and
Kum. Jatoth Kalyani D/o Bheemla,
R/o Muthyalamma Thanda H/o Rajupet(V),
Narsampet (M), Warangal District.

Sri Ajmeera Lalu S/o Tejya
R/o Damaravancha (V), Gudur (M),
Warangal District.

Sri K.R. Prabhakar, Advocates,
Plot No. 410, Road No. 22, Jubilee Hills,
Hyderabad -500033.

Copy to:

The P.S. to M (TW)

The P.S. to Principal Secretary (TW)

The Director, TCR & TI, AP., Hyderabad.

SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER